



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

Memorandum

**TO:** State Board of Education

**FROM:** Thomas D. Watkins, Jr., Chairman

**DATE:** October 8, 2003

**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since September 25, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# 0907-04 - OSE/EIS Marquette Area Public Schools**

Exemptions: N/A

Administrative Rule: 340.1733 (d) - Program and service requirements (age span)

Waiver Synopsis:

The Functional Skills Classroom Program is an elementary cognitively impaired program for students ages 5 through 11. The program will be housed in a K-3 building whose students range in age from five through nine. The purpose of the waiver is to house the Functional Skills Classroom Program for students 5 through 11 years of age in an elementary K-3 building with students 5 through 9 years of age.

District Rationale:

- Waiver will be monitored through special education supervisor, Marquette Area Public Schools' superintendent, and ongoing communication from parents and staff.
- Feedback will be obtained regarding the effectiveness of the waiver.
- Student progress toward achievement of goals and objectives and opportunity to participate in general education will be assessed through progress reports.
- Amount of time in general education within the home school will be documented through the IEP process.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

**# 0908-04 - OSE/EIS    Marquette-Alger Regional  
Educational Service Agency**

Exemptions: Autrain-Onoto, Burt, Gwinn, Munising, N.I.C.E., Powell, Republic-Michigamme,  
Superior Central, Wells, North Star Academy

**Administrative Rule:** 340.1733 (d) - Program and service requirements (age span)

**Waiver Synopsis:**

The Social Skills Teaching Program is an elementary emotionally impaired program for students between the ages of 6 through 11. The Social Skills Teaching Program will be housed in a K-3 building whose students will range in age between five through nine. The purpose of the waiver is to house the emotionally impaired program for students between 6 through 11 years of age in an elementary K-3 building with students between 5-9 years of age.

**District Rationale:**

- Low incidence of students requiring the Social Skills Teaching program makes it unnecessary to have separate fourth, fifth, sixth through eighth grade programs. It is impractical to develop a program at each level.
- Students will be able to learn effective management of their behavior in small groups.
- Students will maintain contact with their peers in their home school, which also allows for appropriate instruction in the general education curriculum.
- Program assures students will continue to achieve appropriate educational performance and meet their unique, individual needs.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006